

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Tuesday, June 25, 2002 – 9:00 a.m. – Room 305 State Capitol

Members Present:

Sen. Howard A. Stephenson, Senate Chair
Rep. David Ure, House Chair
Sen. Mike Dmitrich
President Al Mansell
Sen. Ed Mayne
Sen. Michael G. Waddoups
Rep. Judy A. Buffmire
Rep. James R. Gowans
Rep. Merlynn T. Newbold

Members Absent:

Speaker Martin R. Stephens

Staff Present:

Mr. Arthur L. Hunsaker, Research Analyst
Ms. Cassandra N. Bauman, Legislative Secretary

Note: A list of others present and a copy of materials can be found at <http://www.image.le.state.ut.us/imaging/history.asp> or by contacting the committee secretary at 538-1032.

1. Committee Business

Chair Stephenson called the meeting to order at 9:10 a.m.

MOTION: Sen. Mayne moved to approve the minutes of the June 11, 2002 meeting. The motion passed unanimously with President Mansell, Sen. Waddoups, and Rep. Ure absent for the vote.

2. R277-470–Distribution of Funds for Charter Schools

Chair Stephenson introduced the issue. He provided background on the rule, explaining that the Education Interim Committee studied the issue in the 2000 Interim and S.B. 169, Charter School Amendments, sponsored by Sen. Stephenson, was passed in the 2001 General Session to ensure funds for charter schools. He indicated that the districts are not including debt service when calculating the total funding of schools in each district, which is impacting the amount of funds available to charter schools.

Mr. Patrick Ogden, Associate Superintendent, Utah State Office of Education, distributed "Charter School Eligible Funding" and "Local Expenditure Transfer to Charter Schools Including State and Federal Capital Outlay." He explained that charter schools do not provide non K-12 programs and so the funding for those programs is not being distributed to charter schools. He explained that the funding that is withheld from charter schools is retained by the district because of an obligation to pay debts which are incurred in order to house the student.

Ms. Carol Lear, Legal Counsel, Utah State Office of Education, responded to committee questions.

Ms. Connie Steffen, Research Analyst, Office of Legislative Research and General Counsel, reviewed the legislative intent of S.B. 169 recorded in the minutes of the Education Interim Committee in November 2000. She indicated that the legislation would allow charter schools to obtain 50 percent of the statewide average per student expenditures, which would include debt service and capital outlay.

Committee discussion followed. Rep. Ure indicated that the rule is written in accordance with statute. The problem seems to be the interpretation of the equation to calculate per student expenditures.

Committee members discussed clarifying the statute to include the formula for calculating the funding for charter schools as well as maintaining debt services to ensure protection of local schools from overexpenditure. Mr. Ogden indicated that the State Board of Education will be reviewing the rule in August and the issue will be brought up at that meeting.

Mr. Eric Smith, Timpanogos Academy, explained that districts which are declining in student enrollment appear to be worsened by charter school attendance, but that the students should not be penalized for their school choice.

Mr. Don Carpenter, John Hancock Charter School, indicated that the increased desire of students to attend charter schools suggests that Utah may wish to consider increased options of charter schools. He explained that charter schools help local schools reduce the need for bonding because the charter schools pick up some of the population growth which could potentially affect local schools.

Mr. David Adamic, John Hancock Charter School, stated that the financial problems in some districts may be due to services being offered in charter schools that are not offered in local schools.

Mr. Steve Winitsky, Center City School, explained that charter schools need additional funding to keep running and to keep the option of school choice open to students.

3. UPDATE/REPORT: R909-19 Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation and Certification

Ms. Shirleen Hancock, Deputy Administrator, Motor Carrier Division, updated the committee on changes made to the rule language since meeting with the committee in October 2001 and explained that a public hearing on the rule should be held in July.

Mr. Vern Belcher, Park City Towing, indicated that the Motor Carrier Division has worked with Park City Towing in creating a process to address consumer complaints. He indicated that inspectors working with towing agencies have found abandoned vehicles to be a major problem for towing companies.

Mr. Dennis Pollock, Utah Professional Towing Association, suggested that the towing industry be included on the steering industry working group. Sen. Mayne suggested that the towing industry create its own committee to coordinate with the current steering committee until a time when they may be combined.

Mr. Chris Horne indicated that consumers should be permitted to have their vehicles transported to an impound facility of their choice. He related an incident in November 2001 in which his car was towed and indicated that the towing company would not accept credit cards or personal checks and would not take the vehicle to the vehicle repair facility which he requested. He requested that the Committee further review tow truck requirements, which may include new legislation or amending existing legislation.

Sen. Mayne explained that he would like to see: (1) compliance by the tow truck driver with a reasonable request from the consumer to transport the vehicle to a particular destination for repairs; and (2) multiple payment options for the consumer. Sen. Waddoups added that a citizen should be offered the option of calling the towing company of his choice.

Mr. Stauffer, Stauffer's Towing in Ogden, indicated that a consumer has the option of calling any tow truck operator to respond unless that preferred towing truck is not in the general vicinity. He stated that the reason for the high price of towing is that half of the tows are not being paid for because the industry cannot find an owner for the towed and impounded vehicles. Mr. Belcher suggested training for the officers which are handling the accidents where a tow truck is called.

Lieutenant Colonel Scott Duncan, Utah Highway Patrol, indicated that there is no written rule or policy requiring the police officer on the scene to ask which tow truck company the individual would like to use, but it is common practice. He explained it would be beneficial to have the procedure in rule. He stated that this is a large issue and that consumers have provided numerous complaints.

Ms. Hancock indicated that the Motor Carrier Division has come a long way with the rules governing tow truck operations and that the carriers and consumers are becoming more willing to be involved with the process.

Committee discussion followed.

4. Staff Presentation: Agency Rulemaking Authority Altered by 2002 General Session Legislation

This item was postponed to a future meeting date.

5. Other Items / Adjourn

Future meetings of the Administrative Rules Review Committee are tentatively scheduled for Wednesday, July 31; Tuesday, August 27, 2002 at 9:00 a.m.

MOTION: Rep. Gowans moved to adjourn the meeting. The motion passed unanimously.

Chair Stephenson adjourned the meeting at 11:38 a.m.